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9 CITY OF SANTA CLARA

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 NANCY NAVA,) Case No. C08 03066 PVT
11 Plaintiff,)
12 vs.)
13 MIKE SEADLER, individually and in)
14 his capacity as a Santa Clara police)
15 officer; CLYDE CHENG, individually)
16 and in his capacity as a Santa Clara)
17 police officer, ALEX TORKE,)
18 individually and in his capacity as a)
19 Santa Clara police officer; A. WOLF,)
20 individually and in his capacity as a)
21 Santa Clara police officer; S.)
22 MAJOROS, individually and in his)
23 capacity as a Santa Clara police)
24 officer; T. SHEARER, individually)
25 and in his capacity as a Santa Clara)
26 police officer; J. FANUCCHI,)
27 individually and in his capacity as a)
28 Santa Clara police officer; T.)
NIESEN, individually and in his)
capacity as a Santa Clara police)
officer; M. OVER, individually and in)
his capacity as a Santa Clara police)
officer; DAN WINTER, individually)
and in his capacity as a Santa Clara)
police officer; A. RANGE, individually)
and in his capacity as a Santa Clara)
police officer; R. CIRAUOLO,)
individually and in his capacity as a)
Santa Clara police officer; J.)
MASTILOCK, individually and in his)
capacity as a Santa Clara police)
officer; A. LAYTON, individually and)
in his capacity as a Santa Clara)
police officer; J. GREEN, individually)
and in his capacity as a Santa Clara)

1 police officer; D. RUSH, individually)
2 and in his capacity as a Santa Clara)
3 police officer; F. SAUNDERS,)
4 individually and in his capacity as a)
5 Santa Clara police officer; D.)
6 MACHADO, individually and in his)
7 capacity as a Santa Clara police)
8 officer; J. OLIVER, individually and in)
9 his capacity as a Santa Clara police)
10 officer; B. STERKEL, individually and)
11 in his capacity as a Santa Clara)
12 police officer; JOHN DOE and)
13 RICHARD ROE, individually and in)
14 their capacities as Santa Clara police)
15 officers, the true names and exact)
16 numbers of whom are unknown at)
17 this time; CITY OF SANTA CLARA,)
18 a municipal corporation,)
19 Defendants.)
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THE PARTIES HAVING STIPULATED, the Court hereby orders:

1. MARK SCHALLER, individually and in his capacity as a Santa Clara police officer, shall be added as a Defendant to this action. Plaintiff's action against Defendant MARK SCHALLER shall not include a claim for punitive or exemplary damages.
2. Defendant MARK SCHALLER shall file a responsive pleading within 14 days of the entry of this Order.
3. The following Defendants shall be dismissed: ANTHONY LAYTON (sued herein as "A. LAYTON"), JOE OLIVER (sued herein as "J. OLIVER"), and BRYAN STERKEL (sued herein as "B. STERKEL").
4. The parties shall continue good faith efforts to dismiss individual defendants having no direct involvement with the contact at issue alleged by Plaintiff.
5. This Order is without prejudice to Plaintiff, should she deem in good faith at a later stage in litigation that there is evidence to suggest one of the officer-defendants enumerated in Paragraph 3 did have direct involvement with her contact at issue, to apply for leave to add that (those) officer(s) back in as Defendants.
6. Plaintiff shall not be required to subpoena dismissed defendants for

1 deposition, but may do so to the extent otherwise appropriate upon Notice.

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3 DATED: 5/10/10

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MAGISTRATE JUDGE OF THE UNITED
STATE DISTRICT COURT